

## **Quick Reference Guideline for Accessory Buildings**

**To contact a Zoning Inspector about your specific situation call (608) 266-4266**

### **GENERAL INFORMATION**

- A Zoning Permit is required for accessory building larger than 120 square feet in size. Zoning Permits are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet setback, height, and lot coverage requirements.
- Zoning Permit fees may be exempt for buildings for large farm operations on farms of 35 acres or larger.
- An Agricultural Accessory Building is defined as a building used exclusively in a farm operation. An agricultural activity must be clearly present on the property.
- A principal building (single-family dwelling) must exist or be under construction prior to the construction of an accessory building. Check specific zoning districts for exceptions for buildings as part of a farm operation.
- Accessory buildings may not be used for living spaces. No guesthouses or apartments are allowed.
- Plumbing fixtures are prohibited in accessory buildings. (Except for specific agricultural building in the A-2 Zoning District with a Conditional Use Permit.)
- Each zoning district has size and height restrictions for accessory buildings. See below.
- Accessory buildings must meet required setbacks from roads, Shoreland District, Wetlands, and Floodplain. To prevent a potential violation, check with Zoning staff to see if these features are present on or near your lot.
- A Dane County Zoning Permit must be issued before you apply for a Town building permit. Even though some Towns may not require a building permit for an accessory building, the Dane County Zoning Permit is still required.

### **SPECIFIC REGULATIONS BY ZONING DISTRICT**

#### **RESIDENTIAL DISTRICTS -- R-1, R-1A, R-2, R-3, R-3A, R-4**

- Accessory buildings may not be used for business purposes, living purposes, or housing livestock.
- A residence (principal building) must be built or under construction before an accessory building is allowed.
- The footprint area of all accessory buildings in total may not exceed 100% of the footprint area of the residence.
- The residence, plus all accessory buildings, may cover no more than 30% to 35% of the lot area (35%-40% on corner lots). See specific zoning district factsheet.
- The maximum height of an accessory building is 12 feet (measured from ground to middle of roof).
- Setbacks from side and rear lot lines:
  - Minimum 10-foot side and rear yard setbacks apply for accessory buildings over 120 square feet; may be reduced to 4 feet if located behind residence and at least 10 feet away from residence.
  - Minimum 4-foot side and rear yard setbacks apply for accessory buildings of 120 square feet or less.

#### **RURAL HOMES DISTRICTS -- RH-1, RH-2, RH-3, RH-4**

- Accessory buildings may be used for residential storage or agricultural purposes.
- A residence (principal building) must be built or under construction before an accessory building is allowed.
- The house together with all accessory buildings may not cover more than 10% of the lot area.
- The maximum height of an accessory building is 35 feet (measured from ground to middle of roof).
- Setbacks from side and rear lot lines for accessory buildings that do not house livestock:
  - Minimum 10-foot side and rear yard setbacks apply for accessory buildings over 120 square feet, may be reduced to 4 feet if located behind residence and at least 10 feet away from residence.
  - Minimum 4-foot side and rear yard setbacks apply for accessory buildings of 120 square feet or less.
- Setbacks from side and rear lot lines for accessory buildings with livestock:
  - Minimum 50 feet from side and rear lot lines
  - Minimum 100 feet if adjacent to a Residence (R-) district.

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### **AGRICULTURE DISTRICTS: A-1EX, A-1, A-2 (A-2(1), A-2(2), A-2(4), A-2(8) and A-2), A-3, A-4**

- Every accessory building in an Agriculture District needs a Zoning Permit, but buildings used in a farm operation may be exempt from fees. Zoning Division staff will assist farmers with the permit process.
- The minimum lot sizes for agricultural activities are:
  - A-1EX & A-3: 35 acres (5 acres for existing sub-standard parcels); livestock prohibited on parcels < 5 acres.
  - A-1: 5 acres and 250 feet wide at the location of the farm buildings; livestock prohibited on parcels < 5 acres.
  - A-2: 1 acre; livestock prohibited on parcels < 2 acres.
  - A-4: 5 acres; livestock prohibited on parcels < 5 acres.
- A residence is required before construction of an accessory building, except in
  - A-1 or A-1EX on property over 5 acres where agricultural activities are present and the building is clearly related to that activity
  - A-2 where agricultural activities are present and the building is clearly related to that activity
- All buildings shall comply with maximum lot coverage.
  - Parcels less than 2 acres: The house plus all accessory buildings may cover no more than 30% of the lot (35% for corner lots).
  - Parcels 2-35 acres: The house plus all accessory buildings may cover no more than 10% of the lot.
  - Parcels more than 35 acres: No limit.
- Maximum height of accessory buildings in agricultural districts:
  - A-1 District: 16 feet (measured from ground to middle of roof).
  - A-1Exclusive: Lots less than 2 acres in size: 12 feet (measured from ground to middle of roof).
  - Accessory buildings other than listed above: 35 feet (measured from ground to middle of roof).
  - Farm buildings that are clearly used in a farm operation have no height limit.
- Setbacks: Accessory buildings, including agricultural accessory buildings and farm buildings, must maintain setbacks from side and rear lot lines:
  - Buildings that do not house livestock
    - Minimum 10 foot side and rear yard setbacks if more than 120 square feet, may be reduced to 4 feet if located behind residence and at least 10 feet away from residence.
    - Minimum 4 foot side and rear yards if 120 square feet or less
  - Buildings with livestock.
    - Parcels less than 35 acres in A-1, A-1EX, A-3 AND all A-2 & A-4 parcels: Minimum 50 feet side and rear yard setbacks;
    - Parcels with adjoining Residence (R-) districts: "Buildings, cages, kennels, hives and runs for housing of animals or insects" must maintain a minimum 100 foot setback from a (R-) Residence Zoning District Seasonal Storage in existing agricultural accessory buildings of recreational equipment and motor vehicles owned by private individuals other than those residing on the property requires a Conditional Use Permit.

### **COMMERCIAL AND OTHER: A-B, B-1, LC-1, C-1, C-2, M-1, and other districts**

- Multiple buildings are permitted in these districts. Except for existing non-conforming uses, all buildings are considered "principal" uses, and no accessory building regulations apply. See each district for maximum lot coverage, building heights, and minimum side and rear yards.
- For existing non-conforming uses (for example, a house that has been located in a B-1 Local Business District since before 1950), the permitted size, height and setbacks for a proposed accessory building are subject to determination by the Zoning Administrator.